

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                              )  
                              )  
v.                           )  Cr. No. 15-10338-FDS  
                              )  
                              )  
3. GERMAN HERNANDEZ ESCOBAR, )  
a/k/a "Terible,"            )  
Defendant                   )

**SENTENCING MEMORANDUM OF THE UNITED STATES**

On March 21, 2015, a routine traffic stop set in motion a chain of events that led to the murder of a 16-year-old boy. That day, a Massachusetts State Police trooper stopped German Hernandez Escobar, also known by his gang name "Terible," the leader of MS-13's Everett Loco Salvatrucha (ELS) clique, for driving an unregistered motor vehicle. The trooper seized a firearm from Terible's vehicle. Terible was arrested, charged with a state gun offense, and was held in custody at Nashua Street Jail.

As is set out in the Pre-Sentence Report (PSR), while at Nashua Street, Terible shared his belief that he was arrested because someone in his clique had cooperated with law enforcement. His suspicions quickly fell on Josue Aguilar Villanueva, also known as "Fantasma," a 16-year-old "paro" in Terible's clique. Four months before Terible was arrested, Fantasma had been sent to a school for troubled juveniles. In early April 2015, i.e., right after Terible was arrested, Fantasma walked away from the school and returned to MS-13. As Terible explained to a fellow clique member: "I got word here about someone called Jose, and he's about 15 years old and he's skinny and brown buddy! . . . [d]on't take my word for it, but I heard . . . Pay attention to that, because supposedly someone named Jose is ratting, a 15-year-old guy, buddy!"

Fantasma's sudden re-appearance aroused suspicions in the clique – maybe Fantasma

had not “escaped” from school but had instead been released because he had helped the police. From the clique’s “destroyer house” at 142 Broadway in Somerville, clique members – including Noe Salvador Perez Vasquez, a/k/a “Crazy,” Jose Rene Andrade, a/k/a “Inocente,” Oscar Noe Recinos Garcia, a/k/a “Psycho,” Julio Esau Avalos-Alvarado, a/k/a “Violento,” and Manuel Dias Granados, a/k/a “Perverso” - discussed how and when to murder Fantasma.

Faithful to MS-13’s rule that cooperators must be killed, members of ELS sought a “green light,” or permission to kill, Fantasma from MS-13 leaders in El Salvador and devised a plan to murder the 16-year-old paro. The conspiracy to murder Fantasma changed over time, involved different members of the clique, and involved different plots. The initial plan to kill Fantasma by luring him to “the mountain,” an isolated area where ELS members met to hang out and smoke marijuana, was thwarted by the arrest of Inocente, the intended murderer. Undeterred, Crazy, the clique’s then de facto leader, and Psycho sent two MS-13 probationary members – Josue Alexis DePaz, a/k/a “Gato,” and Perverso – to Lawrence. Once there, Gato and Perverso lured Fantasma to a park in Lawrence and stabbed Fantasma to death. Gato and Perverso returned to 142 Broadway to await their promotion to “homeboy” or full member of MS-13.

Of course, while it does not matter to the Court, and should not matter to anyone, Fantasma was not cooperating with the police.

The information in the PSR, and the evidence presented at the Group Three March-April 2018 trial, leads inexorably to one conclusion: namely, but for Terible’s musings about Fantasma being an informant, Fantasma would be alive today. Terible’s role in setting the Fantasma murder in motion would be sufficient justification for the Court to impose the

recommended 276-month prison sentence. But the PSR contains additional, compelling information about Terible and the depth of his commitment to MS-13. As a younger member of MS-13, Terible and another senior MS-13 member attacked a gang rival based on the color of his clothes – except the victim was not a gang rival but rather a man walking down the street in a red sweatshirt. PSR, ¶¶ P42-48. After Terible was deported to El Salvador in 2009, PSR, ¶ 88, he returned to Massachusetts and became the leader of one of ELS, one of the largest, most violent, and organized cliques operating in Massachusetts. In his capacity as leader, Terible possessed and acquired firearms for clique members. He also managed a robust marijuana trafficking business out of the 142 Broadway destroyer house whose proceeds were used to fund the clique's illegal activities, like paying bail for arrested members and acquiring weapons. PSR, PSR, ¶¶ 49-56. Even after his arrest, Terible insisted that the clique maintain contact with MS-13 leaders in El Salvador and pay dues on a monthly basis. PSR, ¶ 57.

The criminal racketeering activity committed by Terible and his fellow MS-13 conspirators is undeniably serious and deserving of severe punishment. The Court presided over the trials of Terible's co-conspirators, during which evidence of the clique's drug trafficking and violent crimes, and Fantasma's senseless murder, was presented to the jury. The Court also heard the testimony of several cooperating witnesses, who were themselves members of ELS and MS-13 and who described in great detail the culture of fear and violence that permeates the gang. The evidence paints a grim picture of the MS-13 racketeering enterprise generally and of Terible's role in furthering the gang's mission specifically. A sentence of 276 months, or 23 years, in prison is a just punishment for the serious crimes committed by the defendant. It will send a message to him and other MS-13 members that the gang's ruthless violence and disrespect for the law will not be countenanced.

**CONCLUSION**

Wherefore, for the reasons stated herein, the government respectfully requests that this Court sentence the defendant to 276 months in prison followed by three years of supervised release.<sup>1</sup> This sentence is sufficient but not greater than necessary to achieve the goals of sentencing. The defendant will be subject to deportation upon the completion of his sentence.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: /s/ Christopher Pohl  
Christopher Pohl  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify the foregoing document was filed through the Electronic Court Filing (ECF) system on September 6, 2018 and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

/s/ Kelly Begg Lawrence  
Kelly Begg Lawrence  
Assistant U.S. Attorney

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<sup>1</sup> The government will address the defendant's claims concerning jail credit and jail placement at the sentencing hearing.